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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590 12/11/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER RAMAN, USHA	
			ART UNIT 2424	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/670,865

Applicant(s)

YEO ET AL.

Examiner

USHA RAMAN

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23, 25, 26 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-23, 25, 26 and 28-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 25 filed August 4th, 2008 have been fully considered but they are not persuasive.

Applicant's arguments (see Remarks, page19-20) stating that, "Goldberg in view of Connelly does not teach or suggest wherein the summary frames remain on the display screen when the video program is preempted" has been noted. However, Goldberg discloses that programs maybe displayed at a rate selected by the user (column 7 lines 21-23). Therefore in the event user views the program after playback has commenced, and selects to view the program at a normal playback rate, the transmission of program completes prior to the viewer having completed watching the program. The summary frames are accordingly displayed until the viewer has completed watching the program, even though the transmission of the program has preempted.

Examiner further notes that applicant did not traverse the examiner's assertion of official notice in claim 38 stating that, "deletion of windows in a windowing operation system by closing the windows were well known in the art at the time of the invention". Accordingly, these common knowledge statements are taken to be admitted prior art. See MPEP § 2144.03

For these reasons above, the rejection of claims 25-26, 28 and 38 over Goldberg in view of Connelly have been maintained.

2. Applicant's arguments, see (Remarks page 6), with respect to Double Patenting rejection on claim 30 have been fully considered and are persuasive. The Double Patenting for claim 30 has been withdrawn.
3. Applicant's arguments with respect to claims 21, 30, and 33 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claim 36 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach at least one preview frame displayed at a same time as at least one summary frame and the video program in progress when a programming channel is changed, wherein the summary frame comprises a past frame from the video program in progress and the preview frame comprises a future frame from the video program in progress relative to a real time broadcast of the video program n progress.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 30, 34-35 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by **(US Pat. 6,732,369) to Schein et al.**

With regards to claim 30, Schein discloses a method for informing a video program of the content of a video program in progress, comprising the steps of:

Providing viewer with program information of a current program, including a video preview (see column 22 lines 50-56) comprising plurality of summary frames depicting selected events from the video program. Such previews are provided by databases (see column 21 lines 36-43) and therefore the summary frames depicting the selected events from the video program are selected prior to the broadcast of the video program in progress.

Transmitting the video program in progress comprising the summary frames over a media (column 6 lines 44-55).

Embedding the summary frames in the video program in progress (fig 17B).

Displaying the video program in progress and the summary frames on a screen at a same time (see figure 17B). Schein further notes that when user selects info menu, user can browse through contents of other currently airing programs (see column 23, lines 37-39, fig. 17C). Therefore a user can scroll to another channel and then arrive back at the currently tuned channel, wherein when the viewer arrives back at the currently tuned channel on the info menu, the preview corresponding to the program in progress is displayed in the preview

area (528). This reads on the "displaying the video program in progress and summary frames on a screen at a same time with the video program in progress when a viewer changes channels to the video program in progress from a video program on another channel".

With regards to claim 34, Schein further discloses placing the video program in progress (532) and the summary frames (528) in designated windows on the screen (see figure 17B).

With regards to claim 35, as discussed above in claim 30, a user can scroll through the info menu to find information on other programs (i.e. video program) currently airing (see column 23, lines 37-39, fig. 17C) on other channels. Figs. 17B and 17C particularly illustrate that the program on the current highlighted channel (video program in progress) is different from the program on the another highlighted channel

With regard to claim 37, Schein further discloses displaying a text summary panel along with the video preview panel. As such Schein discloses displaying two or more summary frames displayed at the same time with the video program in progress.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 21-23, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **US Pat. 6,732,369 to Schein et al.**

With regards to claim 21, Schein discloses a video viewing system comprising:

Means for selecting a program channel (20) containing video program in progress (column 6 lines 1-4);

A display screen for viewing a video program in progress (column 5 lines 1-3); and

At least one summary frame also displayed on the display screen overlaid on to the video program in progress at a same time (see fig. 17b) when program guide is accessed from a currently tuned program (see column 23 lines 20-23. Schein further discloses that program guides are transmitted directly as a data stream, wherein when a program guide is displayed, the channel is changed in order to display the program guide (see column 13 lines 8-9 and lines 21-30). As such, the summary frame in the program guide is overlaid on to the video program in progress when the channel is changed.

Schein further discloses wherein the at least one summary frame is a short preview video (see column 22, lines 50-56, wherein it is noted that a short preview is a video preview comprising a plurality of video frames), each corresponding to the video program in progress; and

Schein discloses that preview window displays a short video of the current program. Since the short video comprises a plurality of video frames, the

preview window comprises one of past or future frames with respect to the real time broadcast of the current program. Schein is silent that the preview window comprises both of a least a past frames and a preview frame comprising a future frame from a video program in progress relative to a real time broadcast of the video program in progress.

Examiner takes official notice that video previews are well known in the art that comprise a plurality of video snippets/cuts from various points of a program. As such, previews may comprise cuts (frames) from a early portion of the program as well as cuts from the latter portion of the program. As such it would have been obvious to modify the system to include a preview of the program comprising cuts from various portions of a program so that the preview shows an effective indication of the content of a program. Furthermore, Schein shows that video program can be viewed in the background (526) with the video preview of the currently tuned program playing in preview window 528. When the preview is displayed on the television while the viewer is watching the program corresponding to the preview in the background in real time, there exist scenarios where the preview comprise cuts that are future with respect to the real time progress of the show.

With regards to claim 22, as noted above in claim 21, Schein discloses wherein at least one summary frame discloses a video segment on the viewing screen corresponding to the summary frame (column 22 lines 50-56).

With regards to claim 23, the preview as disclosed in the modified system comprises a plurality of cuts (column 22 lines 50-56), wherein the plurality of cuts correspond to a past frame from the video program in progress.

With regards to claim 31, while Schein discloses the step of providing a preview window that can be interacted (see 56-57), Schein is silent on the method of selecting the preview window to play. Examiner takes official notice that providing playback control of previews as wells as playback control on live video programming (time shifted viewing) was well known in the art at the time of the invention. As such it would have been obvious to modify the system to allow interaction of the preview window by providing playback control of the preview so that user can interact with playback of the preview. It would have been further obvious to provide the user with the ability to provide playback control for the main video program in progress that allows user to pause the video program in progress while viewing other information (such as program guide), thereby ensuring the viewer does not miss portions of the program while his attention is at directed to the preview and allowing the user to resume the playback from pause when the viewer has finished watching the preview.

With regards to claim 32, Schein discloses displaying advertisements however is silent on playing advertisements in the middle of a program. Examiner further notes that it was well known for a program to be interspersed with a plurality ads, such that that the display of the program is preempted during the play of ads. Schein further discloses that a user views the main programming

(video program) in the background window (532) while the preview (summary frame) is overlaid on top. The overlaid window further comprises an exit area that allows the user to exit out of the menu (see column 23 lines 32-33).

Therefore in a program interspersed with a plurality of ads, when the display of the program is preempted during the play of ad during a commercial break, the preview window is overlaid on top of the video while the video program has been preempted until the viewer exits the preview window.

With regards to claim 33, Schein discloses a method for informing a video program of the content of a video program in progress, comprising the steps of:

Providing viewer with program information of a current program, including a video preview (see column 22 lines 50-56) comprising plurality of summary frames depicting selected events from the video program. Such previews are provided by databases (see column 21 lines 36-43) and therefore the summary frames depicting the selected events from the video program are selected prior to the broadcast of the video program in progress.

Transmitting the video program in progress comprising the summary frames over a media (column 6 lines 44-55).

Embedding the summary frames in the video program in progress (fig 17B).

Simultaneously displaying the video program in progress and the summary frames on a screen at a same time (see figure 17B). Schein further notes that when user selects info menu, user can browse through contents of

other currently airing programs (see column 23, lines 37-39). Therefore a user can scroll to another program and arrive back at a current program, wherein when the viewer arrives back at (and therefore selects) the currently program on the info menu, the preview corresponding to the program in progress is displayed in the preview area (528).

Furthermore, only one preview panel on the info menu displays the short video preview (i.e. only one row and one column of the video). Therefore the summary frames are written to that one preview panel in a row only direction of the table and read in a column only direction of the table to display the summary frames on the screen.

Examiner takes official notice that video previews were known in the art that comprise a plurality of video snippets/cuts from various points of a program. The step of such taking a plurality of cuts from various points of a program reads on interleaving the various cuts. Therefore, when a preview is displayed, the interleaved cuts are read.

9. Claims 25-26, 28-29, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg et al. (US Pat. 5,692,213) in view of Connelly (US Pat. 6,144,376).

With regards to claim 25, Goldberg discloses a user interactive video viewing system where user may view multimedia presentations such as video conference, comprising the claimed "display screen for viewing a video program in progress" (see column 3, lines 15-23). Goldberg discloses a scenario wherein

a user may join a video program in progress after a portion of it has already transpired, wherein the system of Goldberg allows a viewer to start over viewing video program from the beginning and/or be caught up to the video program in progress by recording the video program in storage area 612 and allowing users to accessing the video program from the storage area (see column 1, lines 50-56, column 3, lines 49-59, and column 4, lines 5-7). Accordingly in a scenario, where the user selects the video program after 20 minutes of start time, the system displays a plurality of summary frames allowing access to various portions of the video from its beginning, where the recording commenced, to real time progress of the video. See figure 3, see column 4, lines 15-41. Goldberg therefore teaches the claimed "at least one summary frame displayed on the display screen at a same time and overlaid with said video program" when the video program is selected, wherein the "at least one summary frame comprising one of a past or a future frame from the video program". As Goldberg teaches multiple keyframes allowing access to the different temporal points into the video (see column 4, lines 15-41), Goldberg teaches the claimed limitation of "control means for allowing user to change the video program and for allowing the user to select at least one summary frame to play at least a segment of the video program corresponding to the selected summary frame" and the claimed limitation of, "wherein the at least one summary frame comprises a plurality of said summary frames each corresponding to the video program in progress". Goldberg discloses that programs maybe displayed at a rate selected by the user

(column 7 lines 21-23). Therefore in the event user views the program after playback has commenced, and selects to view the program at a normal playback rate, the transmission of program completes prior to the viewer having completed watching the program. The summary frames are accordingly displayed until the viewer has completed watching the program, even though the transmission of the program has preempted.

While Goldberg discloses components interfaced to receive real time multimedia (see column 2, lines 53-56), Goldberg is silent on the step of selecting the video program by "selecting a program channel" containing the video programming.

In an analogous art, Connelly discloses an integrated PC/TV system providing a plurality of PC functionalities at the television interface, wherein the system comprises an exemplary method of joining a video conference, such as in the system of Goldberg, by changing the channel (see column 7, claim 5). An integrated PC/TV of Connelly allows to bring the functionalities of a PC to the family room where a television is typically located rather than a separate workspace, and at the same time provides the friendly, intuitive user interface (see column 1, lines 58-67 and column 2, lines 1-11).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

By utilizing the PC/TV interface as taught by Connelly to the system of Goldberg gives the user an integrated multimedia system with intuitive, friendly user interface for accessing PC applications, including the video conferencing application via channel change. The modified system therefore additionally teaches the claimed limitation of "at least one summary frame displayed....at a same time and overlaid with the video program when a programming channel is changed".

With regards to claim 26, the system of claim 25 as modified in view of Connelly discloses a viewing system comprising a television system.

With regards to claim 28, Goldberg discloses the window (222) comprises characteristics of "windows in a windowing operation system". While Goldberg is silent on the step of, "wherein user can delete the summary frames from they display screen", Examiner takes official notice that "deletion" of windows in a windowing operation system by closing the windows were well known in the art at the time of the invention. It would obvious to further modify the system by providing user the option of deleting the summary frames panel (222) in they modified system by closing the window thereby allowing user to close the keyframes panel when the user has caught up to real time progression and no longer needs the panel.

With regards to claim 29, the modified system further teaches the limitation, "wherein the viewing system comprises client connected to a server" (see Goldberg column 3, lines 47-51, lines 57-59).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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